



Appl. No. 10/085,422
Attorney Docket No. 644-011608

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3754 :
In re Application of :
William A. VERDECCHIA : **FLUSH VALVE DIAPHRAGM**
Appl. No. 10/085,422 :
Filed February 28, 2002 :
Examiner Eric Keasel :

DECLARATION UNDER 37 CFR § 1.131 SHOWING CONCEPTION AND DILIGENCE
PRIOR TO May 30, 2000 UNTIL FEBRUARY 28, 2001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, William A. Verdecchia, hereby declare as follows:

1. I am the named inventor of the invention described and claimed in the above-captioned application.
2. The assignee for the above application is Zurn Industries, Inc.
3. The above application was filed in the United States Patent and Trademark Office on February 28, 2002, claiming the benefit of United States Provisional Patent Application No. 60/272,025, filed February 28, 2001. Therefore, the effective filing date of the above application is February 28, 2001.

4. The invention, specifically the flush valve diaphragm of the subject application, is disclosed prior to May 30, 2000 in redacted Zurn Industries, Inc.'s Drawing No. SK00313-1 entitled "Diaphragm" dated March 10, 2000, and attached as Exhibit A. The drawing contains a top plan view, a bottom plan view, and a sectional view of a flush valve diaphragm made in accordance with the invention of the subject application.

5. From before May 30, 2000 until the United States effective filing date of February 28, 2001, I proceeded diligently by working on the development of the final design of the invention, presenting and explaining the invention to Zurn Industries, Inc. employees for acceptance and review, developing working prototypes of the invention, performing tests on the prototypes, explaining the invention to Zurn Industries, Inc. patent counsel, the Webb Law Firm, reviewing the provisional patent application prepared by patent counsel, and filing the provisional application in the United States Patent and Trademark Office on February 28, 2001. Copies of redacted contemporaneous documentation are attached as Exhibit B.

6. The above application was subsequently filed in the United States Patent and Trademark Office on February 28, 2002, claiming the benefit of United States Provisional Patent Application No. 60/272,025, filed on February 28, 2001.

7. To the best of my knowledge and belief, this invention was not sold or in public use in the United States for one year prior to the date of the above application, nor was it patented or described in a printed publication anywhere prior to that time. Finally, the invention was never abandoned.

8. This activity prior to May 30, 2000 until February 28, 2001, which is the effective filing date of the United States patent application, demonstrates the required evidence of conception and diligence from before May 30, 2000 up to February 28, 2001.

9. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



William A. Verdecchia

2/2/2004

Date